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C O N F I D E N T I A L ALGIERS 002087

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TAGS: [PHUM](#) [PGOV](#) [KPAO](#) [AG](#)  
SUBJECT: HOW FREE IS ALGERIA'S PRINTED PRESS?

REF: ALGIERS 1940

Classified By: Charge d'Affaires, a.i. Thomas F. Daughton  
for reasons 1.4 (b) and (d)

11. (C) SUMMARY: The Algerian government exerts pressure on Algeria's independent printed media with the aim of encouraging self-censorship. Government tactics have included using the state advertising agency to reward or punish papers financially; miring journalists in lengthy legal proceedings; incarcerating and bankrupting journalists on crimes other than defamation; and, in a recent case, convicting a journalist and an editor of defamation for reporting a story that is widely believed to be accurate and factual. In spite of this pressure, Algeria's printed press continues to be one of the freest in the Arab world. Strong criticism of government policy and biting editorials and editorial cartoons appear daily in print and the government appears to have dropped at least one case against a journalist in response to a public outcry from the independent media. End Summary.

Quiet Pressure  
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12. (C) Khaled Bourayou, a prominent Algerian attorney who has defended many journalists charged with defamation, told us November 20 that Algeria's independent press faces increasing government pressure to censor itself. (Note: The government owns all broadcast media outlets, so the independent press is all printed. End note.) Algerian journalists, Bourayou noted, do not have the same legal and constitutional protections as journalists in the U.S. or Europe. Among other things, he noted, the Algerian constitution does not guarantee a journalist's right to demand information from the government.

13. (C) Several journalists have also told us that the government applies economic pressure on the independent press through the Agence Nationale d'Edition et de Publicite (ANEP), the government advertising company for state-owned enterprises. ANEP advertising is the largest source of revenue for smaller independent newspapers, and the government can reduce revenues to papers with whose reporting it disagrees. The government also controls the four main printing presses on which most independent newspapers are produced.

14. (C) COMMENT: The growth of private-sector companies in Algeria appears to be circumscribing ANEP's influence over the independent papers. Bigger dailies (and those read by

wealthy expatriates) are able to sell advertising space to these new companies instead of to ANEP. Additionally, El Watan, El Khabar (the nation's largest daily) and Quotidien d'Oran all own their own printing press, giving them more freedom from indirect government pressure. End Comment.

#### Using the Courts

15. (C) When the mechanisms of indirect influence fail, Embassy contacts say, the government uses more direct tactics to exert control. During a November 14 call on the independent daily El Watan, journalist Faical Metamoui told us that the GOA was increasing its use of those tactics. Metamoui cited three examples: the government's pursuit, according to Metamoui, of prosecution of nearly 200 journalists for defamation; the recent conviction of the editor-in-chief and a journalist at Echourouk Al Youmi for defaming Libyan President Qadhafi (reftel); and the GOA's confiscation of free-lance journalist Arezki Ait-Larbi's passport for an alleged defamation conviction in 1994.

16. (C) Metamoui described President Bouteflika's July 5 pardon of all outstanding defamation convictions as a politically savvy way for the GOA to keep up its pressure on journalists while avoiding accusations of human rights violations for imprisoning them. The pardon did not include a grant of amnesty for journalists facing ongoing legal proceedings for criminal defamation, and Metamoui says the GOA is using the proceedings as a tool to harass the journalists. As he described the process, journalists charged with defamation are ordered to appear before a judge. The judge does not try the case, instead issuing continuance after continuance and forcing the journalist to return to court again and again. One defamation case involving El Watan's Salima Tlemcani dragged on in that fashion for two years. Metamoui said the GOA uses the technique to mire journalists in drawn-out and costly legal proceedings while still being able to tell the world that Algeria is not imprisoning journalists for defamation.

17. (C) Attorney Bourayou agreed that defamation proceedings are deliberately drawn out to harass journalists. He noted that when the GAO wants a case to progress, it moves through the courts quickly. To underscore the point he told us that a large number of drawn-out cases had been suddenly rushed to judgment in advance of Bouteflika's July 5 pardon. Both Bourayou and Metamoui cited the recent Echourouk Al Youmi and Ait-Larbi cases as additional examples of how the government manipulates the Algerian judicial system to keep the independent media docile.

#### No Clear Definition for Defamation

18. (C) In 2001, the Penal Code was amended to criminalize speech, writing and cartoons that insult or offend the president, parliament, judiciary or armed forces. In the Echourouk Al Youmi defamation case, the magistrate extended that protection to a foreign head of state, Libyan leader Moammar Qadhafi. Ali Oufek, editor of the French-language daily Liberte, told us this was the first time the law was applied in this manner. (COMMENT: The main concern in the Echourouk case is that the editor and journalist were convicted of defamation for reporting what is believed to be factual and accurate information. Journalists are seeing the case as a signal that the GOA will prosecute critics based on whether a story offends or insults public officials regardless of the accuracy of the story. Because "offends" and "insults" are not defined, this practice could have a chilling effect on the media's ability to hold public figures accountable. End Comment.) Bourayou believes the conviction was a diplomatic sop to the Libyan government, whose foreign minister was in Algiers on the day of the trial. Several legal experts have predicted that the conviction will be overturned on appeal.

#### GOA Responds to Public Pressure

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¶9. (U) In response to public pressure, the government recently reversed itself on a defamation case involving the Algerian freelance journalist Arezki Ait-Larbi. In May, officials confiscated Ait-Larbi's passport when he attempted to renew it because, he was told, a warrant for his arrest had been issued in connection with an alleged August 1997 conviction for defamation. The in absentia conviction, for which Ait-Larbi was sentenced to six months in prison, concerned a 1994 article he wrote claiming inmates in Lambese prison had been tortured. Ait-Larbi maintains he was not informed of the conviction before he attempted to renew his passport in May and that he had successfully renewed his passport previously in July 2000. Algerian journalists reacted strongly to the case against him, signing a public petition denouncing the government's actions and pointing out that even if Ait-Larbi had been convicted in 1997, he should have benefited from the July 5 pardon that expunged all defamation convictions. In an apparent response to the outcry, the government renewed and returned Ait-Larbi's passport to him November 16.

#### The Nuclear Option

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¶10. (C) Embassy contacts say that the 2004 prosecution of Mohamed Benchicou most influences journalists to self-censor. Benchicou, editor-in-chief of the now-defunct Algerian daily Le Matin, was extremely critical of the government and President Bouteflika. In August 2003, he was charged with currency control violations. In February 2004 he published "Bouteflika, an Algerian Imposter," an article denouncing official corruption under Bouteflika's presidency. At his June 2004 trial on the currency charges, he was convicted and sentenced to an unusually harsh two years in prison. As a result, Le Matin was hit with large tax penalties and forced into insolvency. Despite the fact that Benchicou was never charged with defamation, his supporters in Algeria and international NGOs like the Committee to Protect Journalists maintain that he was imprisoned as punishment for his criticism of Bouteflika's government. And no one, based on our conversations, wants to be the next Benchicou.

#### COMMENT

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¶11. (C) In spite of the various tools at the disposal of the government to pressure the media into not offending powerful people, the Algerian printed press continues to be one of the freest in the Middle East and North Africa. Vociferous criticism of government policy and biting editorial cartoons appear daily in print. Foreign and justice ministry officials tell us that criticism of government policies and proposals is fair game for journalists, provided that they do not cross the line and impugn the character of an individual. The problem is that there is no clear demarcation as to where criticism ends and defamation begins. The government leaves it to the courts to decide where to draw the line. That uncertainty leads some journalists to self-censor and avoid the risk of challenging the line in court.  
DAUGHTON